

SIXTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, May 6, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

On motion of Senator Piner, leave of absence was granted Senator Smith until Tuesday next.

On motion of Senator Edwards, Senator Francis was excused on account of sickness.

Senator Crain introduced a bill to be entitled: "An Act to better define the powers and duties of Sheriffs and other officers."

Read first time and referred to Committee on State Affairs.

Senator Thompson introduced a bill entitled: "An Act to repeal 'An Act to encourage stock-raising, and for the protection of stock-raisers,' approved March 23, 1874."

Read first time and referred to Committee on Stock and Stock-raising.

Senator Edwards introduced a bill entitled: "An Act to amend 'An Act to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to the first day of July, eighteen hundred and seventy-three, and to provide for the payment of the same,' approved April 27, 1874."

Read first time and referred to Committee on Finance.

Senator Guy introduced a bill entitled: "An Act to regulate fees in committing or examining courts."

Read first time and referred to Judiciary Committee No. 1.

Senator Carroll introduced the following resolution:

WHEREAS, There exists, in a number of the counties of this State, debts against said counties for the purchase of school-houses for the use of public free schools in said counties; and, whereas, the Constitution of the State inhibits the levying of a tax for the payment of the same,

Resolved, That the Committee on Education be requested to investigate the matter and report a remedy, if any can be found, by bill or otherwise.

Adopted.

Senator Moore offered the following resolution:

Resolved, That Judiciary Committees Nos. 1 and 2, in joint session, be requested to report whether or not the one per cent. school tax fund collected in 1873, and afterwards adjudicated to be unconstitutional by the Supreme Court, can be refunded to the people of the counties in which it was collected.

Adopted.

Senator Douglass offered the following resolution:

Resolved, That the Committees on Contingent Expenses, Public Printing, Private Land Claims, Internal Improvements, and State Asylum shall be authorized to appoint one clerk; and that said clerk shall be assigned to such other committees as require his services, whose meetings do not conflict with the meetings of the aforementioned committees.

Adopted.

Senator Piner offered the following resolution:

Resolved, That Judiciary Committee No. 2 be authorized to select and employ a clerk.

Adopted.

Senator Edwards introduced a bill to be entitled: "An Act to enable counties to pay debts incurred prior to April 18, 1876."

Read first time and referred to Judiciary Committee No. 1.

Senator Hobby, Chairman of Judiciary Committee No. 1, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 64, entitled, "An Act to validate certificates of acknowledgments of married women to deeds of conveyance, letters of attorney, and written instruments," have had the same under consideration, and have instructed me to report the bill back to the Senate, and recommend that it do not pass.

HOBBY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 68, entitled, "An Act to amend Section 48 of 'An Act to organize Justices' Courts, and to define the powers and jurisdiction of the same,' passed 20th of March, 1848," have had the same under consideration, and have instructed me to report the bill back to the Senate, and recommend its passage.

HOBBY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 89, entitled: "An Act prescribing certain requirements in, and the effect to be given to deeds made by Sheriffs and other officers, under sales made by virtue of executions issued on judgments rendered by Justices of the Peace and Mayors of towns and cities," have had the same under consideration, and have instructed me to report the bill back to the Senate, and recommend its passage.

HOBBY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 94, entitled, "An Act to amend an act entitled, 'An Act to provide for the supplying of lost records, in the several counties of this State,' approved April 14, 1874," have had the same under consideration, and have instructed me to report the bill back to the Senate and recommend its passage.

HOBBY, *Chairman.*

The orders of the day were then taken up.

Senate Bill No. 62, entitled, "An Act to provide for the public printing," was taken up, and on motion of Senator Crain, was re-committed to the Committee on Public Printing.

The motion to reconsider the vote on the final passage of Senate Bill No. 42, "An Act to provide for granting guardianship of the estates of minors and persons of unsound mind, residing out of this State and owning property in the State," made on yesterday, on motion of Senator Crain, was taken up and bill reconsidered.

President *pro tempore* in the chair.

Senator Ledbetter moved that fifty copies be printed. Withdrawn.

Senator Edwards offered the following substitute for Section 1 of the bill:

Amend Section 1: *Be it enacted by the Legislature of the State of Texas,* That whenever a minor or person of unsound mind residing out of this State, has property, real or personal, in this State, and that a necessity exists for the appointment of a guardian of the estate of said minor or person of unsound mind, letters of guardianship shall be granted by the County Court in the county where the principal estate of the minor or person of unsound mind is situated; or if said minor, or his or her parents, or said person of unsound mind, ever resided in this State, then in the county of such former residence.

Senator Carroll offered the following amendment to Senator Edwards' amendment:

“Strike out all that part after the word, ‘situated.’”

Accepted.

The substitute for Section 1 of the bill, as amended, was adopted, and the bill passed.

Senator Crain, for the Committee on Public Printing, by leave submitted the following report and accompanying bill:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Printing have directed me to report the accompanying bill entitled, “An Act supplemental of an act entitled, ‘An Act to provide for the current printing of the Fifteenth Legislature,’ passed 28th day of April, 1876,” and state that they have had the same under consideration and recommend its immediate passage.

CRAIN, for Committee.

Read first time.

Senator Ford moved that one hundred copies be printed for the use of the Senate.

Withdrawn.

A message was received from the House announcing the passage by that body of House Bill No. 53: “An Act to authorize the Commissioner of the General Land Office to appoint one draftsman and two corresponding clerks, and special clerks in certain cases;” also, House Bill No. 28: “An Act to amend ‘An Act to re-apportion the State of Texas into Congressional Districts,’” approved May 2, 1874.

On motion of Senator Storey, the rules were suspended, to put the bill reported from the Committee on Public Printing this morning, entitled, “An Act supplemental to ‘An Act to provide for the current printing of the Fifteenth Legislature,’” on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripeto, Stephens, Storey, Terrell, Thompson, Wortham—26.

NAYS—Senator McLeary—1.

Bill read second time.

Senator Terrell offered the following amendment:

Strike out the words, “Governor of the State is,” where it first occurs in the first section of the bill, and insert, “Printing Committees of the Senate and House of Representatives are.”

Adopted.

The bill was then ordered engrossed.

On motion of Senator Storey, the rules were further suspended, and the bill placed on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—27.

NAYS—None.

Bill read third time.

Senator Edwards offered the following amendment:

Fill blank in the caption of the bill with "April 28, 1876."

Adopted.

The bill was then passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Douglass, Edwards, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Storey, Terrell, Thompson, Wortham—22.

NAYS—None.

NOT VOTING—Senators Brady, Crain, Ford, Grace, Martin, McLeary, Stephens—7.

On motion of Senator Guy, the Senate adjourned till 10 o'clock A. M., Monday next.

SEVENTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, May 8, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of Saturday read and adopted.

A message was received from the House, announcing the passage of Senate Bill No. 14: "An Act to transfer all cases, civil and criminal, now pending in courts of Justices of the Peace, where jurisdiction has been heretofore increased by special law, to the courts having jurisdiction of the same under the Constitution."

On motion of Senator Carroll, Senator Brady was excused until Wednesday morning.

Senator Ledbetter, Chairman Committee on Counties and County Boundaries, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 61, "An Act to divide Young and Bexar Territories into counties, and defining the boundaries thereof, and of certain other counties therein named," have had the same under consideration, and instruct me to report said bill back to the Senate, and recommend its passage.

W. H. LEDBETTER, *Chairman.*

Senator McCulloch, Chairman of Committee on Statistics of Industry, Public Health and History of Texas, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Statistics of Industry, Public Health and History of Texas, have had under consideration Senate Bill No. 88, "An